

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

GEORGE M. CHAVIS, 91-A-3261,

Plaintiff,

06-CV-0543Sr

v.

P. CHAPPIUS et al.,

Defendants.

DECISION AND ORDER

Plaintiff seeks the recusal of the undersigned. Dkt. #13. In support of this motion, plaintiff claims that I am “biased, racist, manipulative, discriminating and in comity with defendants” and references other cases plaintiff alleges were “manipulatively dismissed by Schroeder.” Dkt. #13. Plaintiff also claims that during a telephone settlement conference with plaintiff, I “stated on record in a very low tone but very audible on tape ‘your [sic] not getting all that money.’” Dkt. #13.

Recusal motions are committed to the sound discretion of the district court. See *LoCasio v. United States*, 473 F.3d 493, 495 (2d Cir. 2007). Judicial rulings alone almost never constitute a valid basis for a bias or partiality motion. *Id.* “Furthermore, ‘opinions formed by the judge on the basis of facts introduced or events occurring in the course of the current proceedings, or of prior proceedings, do not constitute a basis for a bias or partiality motion unless they display a deep-seated

favoritism or antagonism that would make fair judgment impossible.” *Id.*, quoting *Liteky v. United States*, 510 U.S. 540, 555 (1994).

Any rulings issued with respect to plaintiff’s prior cases were based squarely upon the evidence presented. Moreover, although the Court has no recollection of the telephone settlement conference which plaintiff references, I am confident that any comment made during the course of the conference with respect to the possibility of settlement with defendants was made in the context of explaining the status of negotiations. As to this matter, I have not had an opportunity to form an opinion regarding plaintiff’s allegations as the prior orders were issued by two different district court judges. Thus, plaintiff’s motion for recusal is denied.

SO ORDERED.

DATED: Buffalo, New York
September 30, 2011

S/ H. Kenneth Schroeder, Jr.
H. KENNETH SCHROEDER, JR.
United States Magistrate Judge